

8-4-3

1647  
#23/7  
Dmt  
8-11-03

Docket No. STK-1 DIV-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : John C. Lee et al.  
Application No. : 09/287,500  
Confirmation No.: 6377  
Filed : April 7, 1999  
Examiner : David S. Romeo  
Group Art Unit : 1647  
For : COMPOSITIONS AND THERAPEUTIC METHODS  
USING MORPHOGENIC PROTEINS AND  
STIMULATORY FACTORS

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AUG 07 2003

TECH CENTER 1600/2900

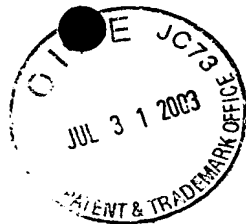
"Express Mail" mailing label number: EV132185428US.  
Date of Deposit: July 31, 2003.

I hereby certify that this paper/fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

  
Lillian Garcia

Encls.:

1. Transmittal Letter (in duplicate);
2. Amendment and Reply to Notice to Comply With Nucleotide Sequence and/or Amino Acid Sequence requirements with Appendix (including a paper copy of Sequence Listing and a copy of the Notice) (in duplicate);
3. Statement in Support of Sequence Listing under 37 C.F.R. § 1.821;
4. Computer-readable form copy of Sequence Listing;
5. Limited Recognition under 47 C.F.R. § 10.9(b); and
6. Postcard.



Docket No. STK-1 DIV-3

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METHODS USING MORPHOGENIC PROTEINS  
AND STIMULATORY FACTORS

RECEIVED

AUG 07 2003

TECH CENTER 1600/2900

New York, New York  
July 31, 2003

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith: ☒ Amendment and Reply to Notice to Comply With Nucleotide Sequence and/or Amino Acid Sequence Requirements with Appendix (including a paper copy of Sequence Listing and a copy of the Notice) (in duplicate); ☒ Statement in Support of Sequence Listing under 37 C.F.R. § 1.821; ☒ Computer-readable form copy of Sequence Listing; ☒ Limited Recognition under 37 C.F.R. § 10.9(b); ☒ Express Mail Certification; ☐ a substitute Specification; ☐ a Declaration; ☐ a Supplemental Declaration; ☐ a Power of Attorney; ☐ an Associate Power of Attorney; ☐ formal drawings; to be filed in the above-identified patent application.

FEE FOR ADDITIONAL CLAIMS

☒ A fee for additional claims is not required.  
☐ A fee for additional claims is required.

EV132185428US

The additional fee has been calculated as shown below:

CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
TOTAL CLAIMS	-	= 0 X	\$ 18 =	\$ 0
INDEPENDENT CLAIMS	-	= 0 X	\$ 84 =	\$ 0
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM				+ \$280 = \$ 0

\* If less than 20, insert 20. TOTAL \$ 0

\*\* If less than 3, insert 3.

[ ] A check in the amount of \$\_\_\_\_\_ in payment of the filing fee is transmitted herewith.

[X] The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

[ ] Please charge \$\_\_\_\_\_ to Deposit Account No. 06-1075 in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.

#### EXTENSION FEE

[ ] The following extension is applicable to the Response filed herewith; [ ] \$110.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); [ ] \$410.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); [ ] \$930.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); [ ] \$1,450.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); \$1,970.00 within fifth month pursuant to 37 C.F.R. § 1.136(a).

[ ] A check in the amount of [ ] \$110.00; [ ] \$410.00; [ ] \$930.00; [ ] \$1,450.00; [ ] \$1,970.00 in payment of the extension fee is transmitted herewith.

- ☒ [X] The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17(a)(3) in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.
- ☐ [ ] Please charge the ☐ [ ] \$110.00; ☐ [ ] \$410.00; ☐ [ ] \$930.00; ☐ [ ] \$1,450.00; ☐ [ ] \$1,970.00; extension fee to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

*Connie Wong*

James F. Haley, Jr. (Reg. No. 27,794)  
Karen Mangasarian (Reg. No. 43,772)  
Attorneys for Applicants  
Connie Wong (Limited Recognition)  
Agent for Applicants  
c/o FISH & NEAVE

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New York, New York 10020-1105  
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Fax: (212) 596-9090

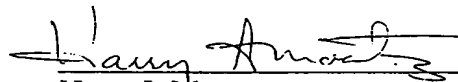
BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATE PATENT AND TRADEMARK OFFICE

LIMITED RECOGNITION UNDER 37.CFR § 10.9(b)

Ms. Connie Wong is hereby given limited recognition under 37 CFR §10.9(b) as an employee of Fish & Neave to prepare and prosecute patent applications wherein the patent applicant is the client of Fish & Neave, and the attorney or agent of record in the applications is a registered practitioner who is a member of Fish & Neave. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Ms. Connie Wong ceases to lawfully reside in the United States, (ii) Ms. Connie Wong's employment with Fish & Neave ceases or is terminated, or (iii) Ms. Connie Wong ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

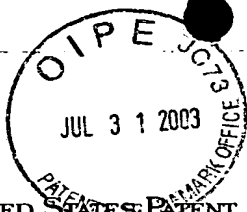
**Expires: December 6, 2003**



Harry I. Moatz

Director of Enrollment and Discipline

EV132185428US



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/287,500	04/07/1999	JOHN C. LEE	STK-1-DIV-3	6377

7590 07/01/2003

JAMES F HALEY  
FISH & NEAVE  
1251 AVENUE OF THE AMERICAS  
NEW YORK, NY 10020

EXAMINER

ROMEO, DAVID S

ART UNIT PAPER NUMBER

1647

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

JUL - 7 2003

FISH & NEAVE DEPT.  
REFERRED TO Crow  
NOTED BY \_\_\_\_\_

DOCKETED FOR 8/1/03



## UNITED STATES DEPARTMENT OF COMMERCE

## U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

22

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

## Commissioner for Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

ANY INQUIRY CONCERNING THIS COMMUNICATION OR EARLIER COMMUNICATIONS FROM THE EXAMINER SHOULD BE DIRECTED TO DAVID S. ROMEO WHOSE TELEPHONE NUMBER IS (703) 305-4050. THE EXAMINER CAN NORMALLY BE REACHED ON MONDAY THROUGH FRIDAY FROM 7:30 A.M. TO 4:00 P.M.

IF ATTEMPTS TO REACH THE EXAMINER BY TELEPHONE ARE UNSUCCESSFUL, THE EXAMINER'S SUPERVISOR, GARY KUNZ, CAN BE REACHED ON (703) 308-4623.

IF SUBMITTING OFFICIAL CORRESPONDENCE BY FAX, APPLICANTS ARE ENCOURAGED TO SUBMIT OFFICIAL CORRESPONDENCE TO THE FOLLOWING TC 1600 BEFORE AND AFTER FINAL RIGHT FAX NUMBERS:

BEFORE FINAL (703) 872-9306

AFTER FINAL (703) 872-9307

IN ADDITION TO THE OFFICIAL RIGHT FAX NUMBERS ABOVE, THE TC 1600 FAX CENTER HAS THE FOLLOWING OFFICIAL FAX NUMBERS: (703) 305-3592, (703) 308-4242 AND (703) 305-3014.

CUSTOMERS ARE ALSO ADVISED TO USE CERTIFICATE OF FACSIMILE PROCEDURES WHEN SUBMITTING A REPLY TO A NON-FINAL OR FINAL OFFICE ACTION BY FACSIMILE (SEE 37 CFR 1.6 AND 1.8).

FAXED DRAFT OR INFORMAL COMMUNICATIONS SHOULD BE DIRECTED TO THE EXAMINER AT (703) 308-0294.

ANY INQUIRY OF A GENERAL NATURE OR RELATING TO THE STATUS OF THIS APPLICATION OR PROCEEDING SHOULD BE DIRECTED TO THE GROUP RECEPTIONIST WHOSE TELEPHONE NUMBER IS (703) 308-0196.

David S Romeo  
Primary Examiner  
Art Unit: 1647



APPLICANT

**NOTICE TO COMPLY WITH REQUIREMENTS FOR  
PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID  
SEQUENCE DISCLOSURES**

Application No.

09/287,500

Examiner

David S Romeo

Applicant(s)

LEE ET AL.

Art Unit

1647

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

**Applicant Must Provide:**

- ☒ An initial computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support (SIRA)

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE



Appln. No. 09/287,500  
Amendment and Reply dated July 31, 2003  
In Response to Notice to Comply with Sequence Requirements  
dated July 1, 2003

Attorney Docket No. STK-1 DIV-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : David S. Romeo  
Group Art : 1647  
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Application No.: 09/287,500 Confirmation No.: 6377  
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USING MORPHOGENIC PROTEINS AND  
STIMULATORY FACTORS

New York, New York  
July 31, 2003

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

STATEMENT IN SUPPORT OF  
SEQUENCE LISTING UNDER 37 C.F.R. § 1.821

Sir:

In accordance with 37 C.F.R. § 1.821(f), I  
hereby state that the sequence listing information  
recorded in computer-readable form enclosed herewith is  
identical to the written sequence listing enclosed  
herewith.


In accordance with 37 C.F.R. § 1.821(g), I  
hereby state that the paper copy and the computer-  
readable form of the sequence listing enclosed herewith

EV132185428US

Appln. No. 09/287,500  
Amendment and Reply dated July 31, 2003  
In Response to Notice to Comply with Sequence Requirements  
dated July 1, 2003

do not include new matter and are supported by the  
application as originally filed.

Respectfully submitted,



---

James F. Haley, Jr. (Reg. No. 27,794)  
Karen Mangasarian (Reg. No. 43,772)  
Attorneys for Applicants  
Connie Wong (Limited Recognition)  
Agent for Applicants  
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